

REMARKS

Claims 1, 3-9, 13-16, and 21-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 is rejected for the step of "determining a present credit value. . ." The Examiner asserts that there is no post solution activity mentioned in claim 1 for the credit value. Step g) of claim 1 has been amended to recite how the present credit value is used. In particular, step g now recites "determining which mobile station of the plurality of mobile stations has a lowest amount of normalized bytes transmitted, wherein normalized bytes transmitted is calculated as a function of the present credit value for each of the plurality of mobile stations in the cell." Applicant asserts that amended claim 1 recites post solution activity for the credit value.

In view of the foregoing amendments and remarks, it is submitted that claims 1, 3-9, 13-16 and 21-26 are in condition for allowance. Applicants respectfully request the reconsideration and reexamination of this application and the timely allowance of the pending claims. Please charge any fees associated herewith, including extension of time fees, to 50-2117.

Respectfully submitted,
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